

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2756 - HB 2908

February 22, 2010

SUMMARY OF BILL: Entitles all offenders to two meals per day unless it is medically necessary for the health of an offender to have more than two meals per day. Any savings to the Department of Correction (DOC) for the cost and preparation of food as a result of this bill shall be appropriated by the General Assembly for educational purposes.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$834,700/One-Time
Decrease State Expenditures - \$892,000/Recurring

Assumptions:

- The average population for FY09 at state-operated facilities was 14,102. This total is reduced by 1,849 to account for the offender population at DeBerry Special Needs Facility (711) and 8.5 percent of the remaining offenders at various institutions ($13,391 \times 8.5\% = 1,138$) that require modified meals or have medical conditions. The Department estimates a 20 percent increase in the number of offenders who will require special meals or have medical conditions if the daily meals are reduced. The total population is reduced by an additional 1,366 ($1,138 \times 120\% = 1,365.60$). There are 800 offenders assigned to TRICOR and 607 offenders assigned to Community Work Crews that would continue to receive three meals per day due to their physical work assignments. The total offender population that will receive two meals per day is 10,618 ($14,102 - 711 - 1,366 - 800 - 607 = 10,618$).
- The average food cost per day per offender is \$3.28. According to the November 2009 food cost report the cost per day for two weekend meals was \$2.77 per day per offender. DOC estimates a 10 percent increase in the bulk items purchased for food as a result of a decrease in the total food commodities purchased resulting in an average cost per day per offender of \$3.05 ($\$2.77 \times 110\%$). A savings of \$0.23 per day per offender as a result of two meals rather than three.
- DOC estimates a recurring decrease in state expenditures of \$891,991.64 ($10,618 \text{ offenders} \times \$0.23 \text{ savings} \times 365.25 = \$891,991.64$).
- DOC estimates a one-time increase in overtime for LPNs and RNs. The assumption is that sick call and inmates requesting medical evaluations in order to continue to receive three meals per day will increase. In November 2009, DOC had 128 LPNs earning an average premium overtime rate of \$24.66 per hour and 88 RNs earning an average premium overtime rate of \$39.71. DOC estimates each nurse will have to work two

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additional hours per week in the first year resulting in a total of 104 additional hours (2 hours x 52 weeks = 104). The one-time increase in state expenditures for the LPNs is \$396,128.14 [(\$24.66 x 128 nurses x 104 hours = \$328,273.92) + (\$328,273.92 x 20.67 % benefits = \$67,854.22)]. The one-time increase in state expenditures for the RNs is \$438,546.06 [(\$39.71 x 88 nurses x 104 hours = \$363,425.92) + (\$363,425.92 x 20.67% benefits = \$75,120.14)]. The total one-time increase in state expenditures is \$834,674.20 (\$396,128.14 + \$438,546.06).

- After the first year, medical evaluations for three meals a day will be performed at the initial physical upon intake and there will not be a need for additional overtime for the nursing staff.
- DOC is 100 percent accredited through the American Correctional Association (ACA). There are two ACA standards directly related to inmate meals. One non-mandatory standard requires at least three meals per day. The ACA Commission would have to grant the Department discretionary status relative to the reduction in the number of meals. The other mandatory ACA standard requires a licensed dietician or nutritionist to ensure the offender's dietary allowances meet the national recommended allowances for basic nutrition. The Department estimates it would be difficult to meet the basic nutrition allowances with only two meals per day and the ACA accreditation may be in jeopardy.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc